

Senate Chamber, Atlanta, Georgia  
Wednesday, February 8, 2006  
Fifteenth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 728. By Representatives Franklin of the 43rd, Brooks of the 63rd, Jones of the 44th, Cooper of the 41st, Walker of the 107th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to provide a short title; to define certain terms; to provide for a state-wide alert system for missing disabled adults; to provide for rules and regulations; to provide for cooperation with broadcasters; to provide for calling an alert; to provide for conditions; to provide that the Georgia Lottery Corporation shall devise a method of notifying vendors in an alert area of the alert; to provide for termination of an alert; to repeal conflicting laws; and for other purposes.

HB 912. By Representative Fleming of the 117th:

A BILL to be entitled an Act to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, so as to change certain provisions relating to applicability to nonparties; to provide that silence may act as a waiver under certain circumstances; to change certain

provisions relating to confidentiality; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1192. By Representatives Willard of the 49th, Wilkinson of the 52nd, Geisinger of the 48th and Lindsey of the 54th:

A BILL to be entitled an Act to create the City of Sandy Springs Public Facilities Authority and to provide for the appointment of members of the authority; to confer powers upon the authority; to authorize the issuance of revenue bonds of the authority payable from the revenues, tolls, fees, charges, and earnings of the authority, contract payments to the authority, and from other moneys pledged therefor and to authorize the collection and pledging of the revenues, tolls, fees, charges, earnings, and contract payments of the authority for the payment of such revenue bonds; to authorize the execution of resolutions and trust indentures to secure the payment of the revenue bonds of the authority and to define the rights of the holders of such obligations; to make the revenue bonds of the authority exempt from taxation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1197. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Darien ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1198. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide a homestead exemption from McIntosh County school district ad valorem taxes for educational purposes in the full amount of the assessed value of the homestead for residents of that school district who are 65 years of age or over and whose annual income does not exceed \$25,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1199. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide that the probate judge of McIntosh County shall serve ex officio as chief magistrate of the Magistrate Court of McIntosh County on and after a date certain; to provide an effective date; to repeal certain Acts; to repeal conflicting laws; and for other purposes.

HB 1201. By Representatives Tumlin of the 38th, Golick of the 34th, Dollar of the 45th, Wix of the 33rd, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating a system of public schools for the City of Marietta in the County of Cobb, approved December 29, 1890 (Ga. L. 1890-91, Vol. II, p. 1014), as amended, so as to provide for compensation of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1202. By Representatives Tumlin of the 38th, Golick of the 34th, Dollar of the 45th, Wix of the 33rd, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, so as to change the provisions relating to the compensation of the chairperson and the other commissioners of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1207. By Representative Powell of the 29th:

A BILL to be entitled an Act to amend the "City of Hartwell Recreation Authority Act," approved April 4, 1996 (Ga. L. 1996, p. 3998), so as to authorize the Hartwell Recreation Authority to lease, sell, transfer, or otherwise dispose of real or tangible personal property owned by the authority; to provide for the disposition of proceeds resulting from the transfer of ownership interests of such property; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1208. By Representatives Jones of the 44th, Tumlin of the 38th, Manning of the 32nd, Johnson of the 37th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved

February 9, 1949 (Ga. L. 1949, p. 427), as amended, so as to change the compensation of the deputy clerk of the superior court; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1210. By Representatives Heard of the 114th, Kidd of the 115th and Smith of the 113th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for members of the board of the hospital authority of Clarke County," approved April 6, 1982 (Ga. L. 1982, p. 3705), so as to provide for staggered six-year terms for the members of such authority board; to provide for current membership; to provide for nominations for appointments; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolution of the Senate:

SR 806. By Senators Williams of the 19th, Johnson of the 1st, Seabaugh of the 28th and Brown of the 26th:

A RESOLUTION relative to adjournment; and for other purposes.

The following House legislation was read the first time and referred to committee:

HB 728. By Representatives Franklin of the 43rd, Brooks of the 63rd, Jones of the 44th, Cooper of the 41st, Walker of the 107th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to provide a short title; to define certain terms; to provide for a state-wide alert system for missing disabled adults; to provide for rules and regulations; to provide for cooperation with broadcasters; to provide for calling an alert; to provide for conditions; to provide that the Georgia Lottery Corporation shall devise a method of notifying vendors in an alert area of the alert; to provide for termination of an alert; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

HB 912. By Representative Fleming of the 117th:

A BILL to be entitled an Act to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, so as to change certain

provisions relating to applicability to nonparties; to provide that silence may act as a waiver under certain circumstances; to change certain provisions relating to confidentiality; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

HB 1192. By Representatives Willard of the 49th, Wilkinson of the 52nd, Geisinger of the 48th and Lindsey of the 54th:

A BILL to be entitled an Act to create the City of Sandy Springs Public Facilities Authority and to provide for the appointment of members of the authority; to confer powers upon the authority; to authorize the issuance of revenue bonds of the authority payable from the revenues, tolls, fees, charges, and earnings of the authority, contract payments to the authority, and from other moneys pledged therefor and to authorize the collection and pledging of the revenues, tolls, fees, charges, earnings, and contract payments of the authority for the payment of such revenue bonds; to authorize the execution of resolutions and trust indentures to secure the payment of the revenue bonds of the authority and to define the rights of the holders of such obligations; to make the revenue bonds of the authority exempt from taxation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1197. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Darien ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1198. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide a homestead exemption from McIntosh County school district ad valorem taxes for educational purposes in the full amount of the assessed value of the homestead for residents of that school

district who are 65 years of age or over and whose annual income does not exceed \$25,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1199. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide that the probate judge of McIntosh County shall serve ex officio as chief magistrate of the Magistrate Court of McIntosh County on and after a date certain; to provide an effective date; to repeal certain Acts; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1201. By Representatives Tumlin of the 38th, Golick of the 34th, Dollar of the 45th, Wix of the 33rd, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating a system of public schools for the City of Marietta in the County of Cobb, approved December 29, 1890 (Ga. L. 1890-91, Vol. II, p. 1014), as amended, so as to provide for compensation of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1202. By Representatives Tumlin of the 38th, Golick of the 34th, Dollar of the 45th, Wix of the 33rd, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, so as to change the provisions relating to the compensation of the chairperson and the other commissioners of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1207. By Representative Powell of the 29th:

A BILL to be entitled an Act to amend the "City of Hartwell Recreation Authority Act," approved April 4, 1996 (Ga. L. 1996, p. 3998), so as to

authorize the Hartwell Recreation Authority to lease, sell, transfer, or otherwise dispose of real or tangible personal property owned by the authority; to provide for the disposition of proceeds resulting from the transfer of ownership interests of such property; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1208. By Representatives Jones of the 44th, Tumlin of the 38th, Manning of the 32nd, Johnson of the 37th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, so as to change the compensation of the deputy clerk of the superior court; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1210. By Representatives Heard of the 114th, Kidd of the 115th and Smith of the 113th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for members of the board of the hospital authority of Clarke County," approved April 6, 1982 (Ga. L. 1982, p. 3705), so as to provide for staggered six-year terms for the members of such authority board; to provide for current membership; to provide for nominations for appointments; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

Senator Thompson of the 33rd asked unanimous consent that Senator Meyer von Bremen of the 12th be excused. The consent was granted, and Senator Meyer von Bremen was excused.

Senator Thompson of the 33rd asked unanimous consent that Senator Zamarripa of the 36th be excused. The consent was granted, and Senator Zamarripa was excused.

Senator Carter of the 13th asked unanimous consent that Senator Hill of the 32nd be excused. The consent was granted, and Senator Hill was excused.

Senator Seay of the 34th asked unanimous consent that Senator Reed of the 35th be excused. The consent was granted, and Senator Reed was excused.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Jack	Starr
Balfour	Hooks	Staton
Brown	Hudgens	Stephens
Butler	Johnson	Stoner
Cagle	Jones	Tarver
Carter	Kemp	Tate
Chance	Miles	Thomas,D
Chapman	Moody	Thomas,R
Douglas	Mullis	Thompson,C
Goggans	Pearson	Thompson,S
Golden	Powell	Tolleson
Grant	Rogers	Unterman
Hamrick	Schaefer	Weber
Harbison	Seabaugh	Whitehead
Harp	Seay	Wiles
Heath	Shafer,D	Williams
Henson	Smith	

Not answering were Senators:

Bulloch	Fort	Hill, Judson (Excused)
Meyer von Bremen (Excused)	Reed (Excused)	Zamarripa (Excused)

Senator Fort was off the floor of the Senate when the roll was called and wished to be recorded as present.

The members pledged allegiance to the flag.

Senator Staton of the 18th introduced the chaplain of the day, Reverend David Franklin of Macon, Georgia, who offered scripture reading and prayer.

Senator Fort of the 39th introduced the doctor of the day, Dr. Howard Yager.

The following resolutions were read and adopted:



- SR 805. By Senators Chance of the 16th, Seay of the 34th, Rogers of the 21st, Seabaugh of the 28th and Johnson of the 1st:

A RESOLUTION commending the Peachtree City Police Department; and for other purposes.

- SR 807. By Senators Whitehead, Sr. of the 24th, Kemp of the 46th, Hudgens of the 47th, Seabaugh of the 28th, Thomas of the 54th and others:

A RESOLUTION celebrating the life and accomplishments of Joseph M. Still, Jr., M. D., and offering condolences to his family and friends upon his passing; and for other purposes.

- SR 808. By Senator Rogers of the 21st:

A RESOLUTION recognizing the contributions of home education and declaring Monday, February 6, 2006, Home School Day at the Capitol; and for other purposes.

- SR 809. By Senator Balfour of the 9th:

A RESOLUTION congratulating Mrs. Kathleen Batson for being selected as Mrs. Georgia 2005; and for other purposes.

- SR 810. By Senator Rogers of the 21st:

A RESOLUTION recognizing and commending Steven Schaff; and for other purposes.

- SR 811. By Senator Rogers of the 21st:

A RESOLUTION recognizing and commending Nicholas Torcivia; and for other purposes.

- SR 812. By Senator Rogers of the 21st:

A RESOLUTION recognizing and commending Samuel Aumann; and for other purposes.

SR 813. By Senators Bulloch of the 11th, Tolleson of the 20th and Hudgens of the 47th:

A RESOLUTION recognizing and commending the Georgia Farm Bureau Federation; and for other purposes.

SR 814. By Senator Johnson of the 1st:

A RESOLUTION relative to the office of the Secretary of the Senate; and for other purposes.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

### SENATE LOCAL CONSENT CALENDAR

Wednesday, February 8, 2006  
Fifteenth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

**Pursuant to Article VII, Section II, Paragraph IV of the Constitution, the following two local bills relating to homestead exemptions require a two-thirds roll-call vote for passage:**

SB 496

Chapman of the 3rd  
**CAMDEN COUNTY**

A BILL to be entitled an Act to provide for a homestead exemption from Camden County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to allow such exemption to continue to be received by a child or unremarried surviving spouse of a deceased individual; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 497

Chapman of the 3rd  
**CAMDEN COUNTY**

A BILL to be entitled an Act to provide for a homestead exemption from Camden County School District ad valorem taxes for educational purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to allow such exemption to continue to be received by a child or unremarried surviving spouse of a deceased individual; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	N Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	E Zamarripa
Y Henson	Y Shafer,D	

On the passage of the local legislation, the yeas were 48, nays 1.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

SENATE RULES CALENDAR  
WEDNESDAY, FEBRUARY 8, 2006  
FIFTEENTH LEGISLATIVE DAY

- SB 468      Quality Basic Education Act; establishment of grant program for High Performance Principals; rules/regulations (ED&Y-56th)
- SB 425      Georgia Child, Family, and School Communications Protection; enact; provide conditions for registration (Substitute)(S&T-7th)
- SB 450      Ad Valorem Taxation of Property; revise pay structure of certain county officers/officials; provide recalculation of min. salaries (Substitute)(SLGO(G)-46th)
- SR 737      Ronald Reagan Day; February 6, 2006; recognize (RULES-9th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman  
Senate Rules Committee

Senator Carter of the 13th asked unanimous consent that Senator Seabaugh of the 28th be excused. The consent was granted, and Senator Seabaugh was excused.

Senator Williams of the 19th asked unanimous consent that Senator Johnson of the 1st be excused. The consent was granted, and Senator Johnson was excused.

Senator Whitehead of the 24th asked unanimous consent that Senator Grant of the 25th be excused. The consent was granted, and Senator Grant was excused.

Senator Whitehead of the 24th asked unanimous consent that Senator Harp of the 29th be excused. The consent was granted, and Senator Harp was excused.

The following legislation was read the third time and put upon its passage:

- SB 468. By Senators Moody of the 56th, Carter of the 13th, Douglas of the 17th, Grant of the 25th, Bulloch of the 11th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to

conditions of employment under the "Quality Basic Education Act," so as to provide for the establishment of a grant program for High Performance Principals to attract successful principals to schools in need of improvement; to provide for legislative findings; to provide for a definition; to provide for rules and regulations; to provide for one-year salary supplements; to provide for reports; to provide for construction; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	E Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	N Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	N Thomas,R
Y Douglas	Y Moody	Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
E Harp	E Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 44, nays 2.

SB 468, having received the requisite constitutional majority, was passed.

The following communication was received by the Secretary:

Senator Joseph Carter  
District 13  
304-A Coverdell Legislative Office Building  
Atlanta, GA 30334

**Committees:**

Education and Youth  
Economic Development  
Judiciary  
Public Safety and Homeland Security

The State Senate  
Atlanta, Georgia 30334

February 8, 2006

Office of the Secretary of the Senate  
353 State Capitol  
Atlanta, Georgia 30334

Attention: Bob Ewing

Re: SB 468

Dear Mr. Ewing,

Please have the record reflect my affirmative "yea" vote on this legislation. Despite my best efforts my vote was not recorded at all and should have been recorded in favor of this important measure.

Thank you for your assistance,

/s/ Joseph Carter

Senator Pearson of the 51st asked unanimous consent that Senator Balfour of the 9th be excused. The consent was granted, and Senator Balfour was excused.

Senator Hill of the 32nd asked unanimous consent that Senator Hamrick of the 30th be excused. The consent was granted, and Senator Hamrick was excused.

SB 425. By Senators Goggans of the 7th, Zamarripa of the 36th, Balfour of the 9th, Williams of the 19th, Johnson of the 1st and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, the "Georgia Computer Security Act of 2005," so as to enact "The Georgia Child, Family, and School Communications Protection Act"; to provide a short title; to provide for definitions; to create a service to protect child, family, and school

communications; to provide conditions for registration; to provide for a fee; to provide for procedures; to provide for verification from the contents of the service; to prohibit the release of certain information; to shield certain information from public inspection; to provide for a penalty; to provide for civil actions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate Science and Technology Committee offered the following substitute to SB 425:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 9 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, the "Georgia Computer Security Act of 2005," so as to enact "The Georgia Child, Family, and School Communications Protection Act"; to provide a short title; to provide for definitions; to create a service to protect child, family, and school communications; to provide conditions for registration; to provide for a fee; to provide for procedures; to provide for verification from the contents of the service; to prohibit the transmission of certain messages; to provide for exceptions; to prohibit the release of certain information; to shield certain information from public inspection; to provide for a penalty; to provide for civil actions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 9 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, the "Georgia Computer Security Act of 2005," is amended by designating the existing portion of such article as Part 1 and by inserting at the end of such article the following:

"Part 2

16-9-170.

This part shall be known and may be cited as the 'The Georgia Child, Family, and School Communications Protection Act.'

16-9-171.

As used in this part, the term:

(1) 'Contact point' means any electronic identification to which messages can be sent, including any of the following:

(A) An instant message identity;

(B) A wireless telephone, a personal digital assistant, a pager number, or any other

similar wireless communication device;

(C) A facsimile number;

(D) An electronic mail address; or

(E) Other electronic addresses subject to rules promulgated under this part by the department.

(2) 'Division' means the Division of Family and Children Services of the Department of Human Resources.

(3) 'Internet domain name' means a globally unique, hierarchical reference to an Internet host or service, assigned through centralized Internet authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

(4) 'Minor' means an individual under the age of 18 years.

(5) 'Person' means an individual, corporation, association, partnership, or any other legal entity.

(6) 'Service' means the Georgia Child, Family, and School Communications Protection Service created under Code Section 16-9-172.

16-9-172.

(a) The division shall establish and operate, or contract with a qualified third party to establish and operate, the Georgia Child, Family, and School Communications Protection Service. The division or a third party administrator shall establish procedures to prevent the use or disclosure of protected contact points as required under Code Section 16-9-174.

(b) A parent, guardian, individual, or an entity under subsection (d) of this Code section who is responsible for a contact point to which a minor may have access or which is used by a household in which a minor is present may register that contact point with the department under rules promulgated by the division. The division shall establish procedures to ensure that a registrant meets the requirements of this subsection.

(c) A registration under this Code section shall be for not more than three years. If the contact point is established for a specific minor, the registration expires when the minor reaches 18 years of age. A registration can be revoked or renewed by the registrant upon notification to the division.

(d) Schools and other institutions or entities primarily serving minor children may register one or more contact points with the division. An entity under this subsection may make one registration for all contact points of the entity, and the registration may include the entity's Internet domain name under rules promulgated by the division.

(e) No fee or charge shall be assessed or incurred by a person registering a contact point under this part.

(f) The division shall establish a mechanism for senders to verify compliance with the service.

(g) A person desiring to send a message described in Code Section 16-9-173 shall pay the division a fee for access to the mechanism required under subsection (f) of this



Code section. The fee required under this subsection shall be set by the division. The fee shall not exceed 1¢ per contact point. The mechanism to verify compliance under subsection (f) of this Code section and the fee required under this subsection shall be established under rules promulgated by the division.

(h) The service shall be fully operational not later than December 1, 2006.

16-9-173.

(a) Except as otherwise provided in this Code section, a person shall not send, cause to be sent, or conspire with a third party to send a message to a contact point that has been registered with the service for at least 30 calendar days if the primary purpose of the message is to advertise or induce the sale of a product or service that a minor is prohibited by law from purchasing, viewing, possessing, participating in, or otherwise receiving.

(b) A person desiring to send a message described in subsection (a) of this Code section shall use the mechanism created under subsection (f) of Code Section 16-9-172 to ensure compliance with this part.

(c) Senders that, in good faith, use the mechanism created under subsection (f) of Code Section 16-9-172 to remove all registered contact points at least every 30 days from their sending lists shall receive a safe harbor from criminal prosecution and civil actions under this part for inadvertent violations of this part during the period in which the mechanism was used.

(d) Except as otherwise provided in subsection (h) of this Code section, the consent to receive the message is not a defense to a violation of this Code section.

(e) A person does not violate this part because the person is an intermediary between the sender and recipient in the transmission of an electronic message that violates this part or unknowingly provides transmission of electronic messages over the person's computer network or facilities that violate this part.

(f) The sending of a message described in subsection (a) of this Code section is prohibited only if it is otherwise a crime for the minor to purchase, view, possess, participate in, or otherwise receive the product or service.

(g) Senders shall be considered on notice of jurisdiction over contact points that have been registered for at least 30 days with the service. Sending a message to an address registered for at least 30 calendar days with the child, family, and school communication protection service shall subject the sender to the state's long arm jurisdiction.

(h) The sending of a message described in subsection (a) of this Code section shall not be prohibited if, prior to sending the message, the sender has obtained from an adult whose age the sender has verified a statement consenting to receive the message at a contact point which such adult has verified as being such adult's contact point. To comply with this subsection, the sender shall:

- (1) Verify that the person making the affirmative statement is of legal age by inspecting in a face-to-face meeting a valid photo identification issued by a governmental agency;

(2) Obtain a written consent form signed by the recipient stating that the recipient has consented to receive the type of message described in subsection (a) of this Code section. The sender shall retain the consent form on record and shall make it available as provided in paragraph (4) of this subsection;

(3) Include in all messages sent pursuant to this subsection a statement that the recipient may rescind his or her consent and provide an opportunity for the recipient to opt not to receive future messages; and

(4) Notify the division that the sender intends to send messages as provided in this subsection. The division may implement procedures to audit the sender's records to verify that the sender is in compliance with this subsection.

16-9-174.

(a) A person shall not release to another person information concerning persons or provide access to contact points or other information contained on the service except as provided by this part.

(b) A person shall not sell or use the contents of the service for any reason other than to meet the requirements of this part.

(c) A person shall not access or attempt to access the service except as provided by this part.

(d) Records and documents of the service created under this part are not subject to public inspection pursuant to Article 4 of Chapter 18 of Title 50.

16-9-175.

A violation of this part shall be a computer crime and a felony punishable by incarceration up to five years or a fine not to exceed \$200,000.00, or both. Each violation of this part shall constitute a separate offense.

16-9-176.

(a) A civil action based on a violation of this part may be brought:

(1) By an authorized individual or the registrant of the contact point on behalf of a minor who has received a message in violation of this part;

(2) By a person through whose facilities the message was transmitted in violation of this part; or

(3) By the Attorney General against a person who has violated this part.

(b) In each action brought under this Code section, the prevailing party may be awarded reasonable attorney fees.

(c) A person bringing an action under this Code section may recover:

(1) Actual damages, including reasonable attorney fees; or

(2) In lieu of actual damages, the lesser of \$5,000.00 per each message received by a recipient or transmitted or \$250,000.00 for each day that the violation occurs.

(d) It shall be an affirmative defense to a civil action based on a violation of this part brought by an individual who registered a contact point if the sender proves that the individual affirmatively, expressly, and directly consented, and did not subsequently

revoke such consent, to receive messages from the particular sender to the registered contact point. Such consent shall not be a defense to a criminal or civil action brought by the Attorney General or by a person through whose facilities the message was transmitted in violation of this part.

(e) If the Attorney General has reason to believe that a person has violated this part, the Attorney General may investigate the business transactions of that person. The Attorney General may require that person to appear, at a reasonable time and place, to give information under oath and to produce such documents and evidence necessary to determine whether the person is in compliance with the requirements of this part."

## **SECTION 2.**

Said article is further amended by striking in its entirety Code Section 16-9-150, relating to a short title, and inserting in lieu thereof the following:

"16-9-150.

This ~~article~~ part shall be known and may be cited as the 'Georgia Computer Security Act of 2005.'"

## **SECTION 3.**

Said article is further amended by striking in its entirety Code Section 16-9-151, relating to definitions, and inserting in lieu thereof the following:

"16-9-151.

As used in this ~~chapter~~ part, the term:

- (1) 'Advertisement' means a communication, the primary purpose of which is the commercial promotion of a commercial product or service, including content on an Internet website operated for a commercial purpose.
- (2) 'Authorized user' with respect to a computer, means a person who owns or is authorized by the owner or lessee to use the computer.
- (3) 'Cause to be copied' means to distribute or transfer computer software or any component thereof. Such term shall not include providing:
  - (A) Transmission, routing, provision of intermediate temporary storage, or caching of software;
  - (B) A storage medium, such as a compact disk, website, or computer server, through which the software was distributed by a third party; or
  - (C) An information location tool, such as a directory, index, reference, pointer, or hypertext link, through which the user of the computer located the software.
- (4) 'Computer software' means a sequence of instructions written in any programming language that is executed on a computer. Such term shall not include a text or data file, a web page, or a data component of a web page that is not executable independently of the web page.
- (5) 'Computer virus' means a computer program or other set of instructions that is designed to degrade the performance of or disable a computer or computer network and is designed to have the ability to replicate itself on other computers or computer

networks without the authorization of the owners of those computers or computer networks.

(6) 'Consumer' means an individual who resides in this state and who uses the computer in question primarily for personal, family, or household purposes.

(7) 'Damage' means any significant impairment to the integrity or availability of data, software, a system, or information.

(8) 'Execute,' when used with respect to computer software, means the performance of the functions or the carrying out of the instructions of the computer software.

(9) 'Intentionally deceptive' means any of the following:

(A) By means of an intentionally and materially false or fraudulent statement;

(B) By means of a statement or description that intentionally omits or misrepresents material information in order to deceive the consumer; or

(C) By means of an intentional and material failure to provide any notice to an authorized user regarding the download or installation of software in order to deceive the consumer.

(10) 'Internet' means the global information system that is logically linked together by a globally unique address space based on the Internet Protocol or its subsequent extensions; that is able to support communications using the Transmission Control Protocol/Internet Protocol suite, its subsequent extensions, or other Internet Protocol compatible protocols; and that provides, uses, or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described in this paragraph.

(11) 'Person' means any individual, partnership, corporation, limited liability company, or other organization, or any combination thereof.

(12) 'Personally identifiable information' means any of the following:

(A) A first name or first initial in combination with a last name;

(B) Credit or debit card numbers or other financial account numbers;

(C) A password or personal identification number required to access an identified financial account;

(D) A social security number; or

(E) Any of the following information in a form that personally identifies an authorized user:

(i) Account balances;

(ii) Overdraft history;

(iii) Payment history;

(iv) A history of websites visited;

(v) A home address;

(vi) A work address; or

(vii) A record of a purchase or purchases."

#### **SECTION 4.**

Said article is further amended by striking in its entirety subsection (b) of Code Section 16-9-152, relating to spyware, browsers, hijacks, and other software prohibited, and

inserting in lieu thereof the following:

"(b) Nothing in this Code section shall apply to any monitoring of, or interaction with, a user's Internet or other network connection or service, or a protected computer, by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service for network or computer security purposes, diagnostics, technical support, repair, network management, network maintenance, authorized updates of software or system firmware, authorized remote system management, or detection or prevention of the unauthorized use of or fraudulent or other illegal activities in connection with a network, service, or computer software, including scanning for and removing software proscribed under this ~~article~~ part."

#### **SECTION 5.**

Said article is further amended by striking in its entirety subsection (b) of Code Section 16-9-153, relating to e-mail virus distribution, denial of service attacks, and other conduct prohibited, and inserting in lieu thereof the following:

"(b) Nothing in this Code section shall apply to any monitoring of, or interaction with, a user's Internet or other network connection or service, or a protected computer, by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service for network or computer security purposes, diagnostics, technical support, repair, network management, network maintenance, authorized updates of software or system firmware, authorized remote system management, or detection or prevention of the unauthorized use of or fraudulent or other illegal activities in connection with a network, service, or computer software, including scanning for and removing software proscribed under this ~~article~~ part."

#### **SECTION 6.**

Said article is further amended by striking in its entirety subsection (b) of Code Section 16-9-154, relating to inducement to install, copy, or execute software through misrepresentation prohibited, and inserting in lieu thereof the following:

"(b) Nothing in this Code section shall apply to any monitoring of, or interaction with, a user's Internet or other network connection or service, or a protected computer, by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service for network or computer security purposes, diagnostics, technical support, repair, network management, network maintenance, authorized updates of software or system firmware, authorized remote system management, or detection or prevention of the unauthorized use of or fraudulent or other illegal activities in connection with a network, service, or computer software, including scanning for and removing software proscribed under this ~~article~~ part."

#### **SECTION 7.**

Said article is further amended by striking in its entirety Code Section 16-9-155, relating to penalties, and inserting in lieu thereof the following:

"16-9-155.

(a) Any person who violates the provisions of paragraph (2) of Code Section 16-9-152, subparagraph (A), (B), or (C) of paragraph (1) of subsection (a) ~~(a)(1)(A), (a)(1)(B), or (a)(1)(C)~~ of Code Section 16-9-153, or paragraph (2) of subsection (a) of Code Section 16-9-153 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or a fine of not more than \$3 million, or both.

(b) The Attorney General may bring a civil action against any person violating this ~~article~~ part to enforce the penalties for the violation and may recover any or all of the following:

- (1) A civil penalty of up to \$100.00 per violation of this ~~article~~ part, or up to \$100,000.00 for a pattern or practice of such violations;
- (2) Costs and reasonable attorney's fees; and
- (3) An order to enjoin the violation.

(c) In the case of a violation of subparagraph (B) of paragraph (1) of subsection (a) ~~(a)(1)(B)~~ of Code Section 16-9-153 that causes a telecommunications carrier to incur costs for the origination, transport, or termination of a call triggered using the modem of a customer of such telecommunications carrier as a result of such violation, the telecommunications carrier may bring a civil action against the violator to recover any or all of the following:

- (1) The charges such carrier is obligated to pay to another carrier or to an information service provider as a result of the violation, including, but not limited to, charges for the origination, transport, or termination of the call;
- (2) Costs of handling customer inquiries or complaints with respect to amounts billed for such calls;
- (3) Costs and reasonable attorney's fees; and
- (4) An order to enjoin the violation.

(d) An Internet service provider or software company that expends resources in good faith assisting consumers or business entities harmed by a violation of this chapter, or a trademark owner whose mark is used to deceive consumers or business entities in violation of this chapter, may enforce the violation and may recover any or all of the following:

- (1)~~(A)~~ Statutory damages of not more than \$100.00 per violation of this ~~article~~ part, or up to \$1 million for a pattern or practice of such violations;
- (2) Costs and reasonable attorney's fees; and
- (3) An order to enjoin the violation."

#### SECTION 8.

Said article is further amended by striking in its entirety Code Section 16-9-156, relating to exceptions, and inserting in lieu thereof the following:

"(a) For the purposes of this Code section, the term 'employer' includes a business entity's officers, directors, parent corporation, subsidiaries, affiliates, and other corporate entities under common ownership or control within a business enterprise. No

employer may be held criminally or civilly liable under this ~~article~~ part as a result of any actions taken:

(1) With respect to computer equipment used by its employees, contractors, subcontractors, agents, leased employees, or other staff which the employer owns, leases, or otherwise makes available or allows to be connected to the employer's network or other computer facilities; or

(2) By employees, contractors, subcontractors, agents, leased employees, or other staff who misuse an employer's computer equipment for an illegal purpose without the employer's knowledge, consent, or approval.

(b) No person shall be held criminally or civilly liable under this ~~article~~ part when its protected computers have been used by unauthorized users to violate this ~~article~~ part or other laws without such person's knowledge, consent, or approval.

(c) A manufacturer or retailer of computer equipment shall not be liable under this Code section, criminally or civilly, to the extent that the manufacturer or retailer is providing third-party branded software that is installed on the computer equipment that the manufacturer or retailer is manufacturing or selling."

#### **SECTION 9.**

Said article is further amended by striking in its entirety Code Section 16-9-157, relating to legislative findings and preemption, and inserting in lieu thereof the following:

"16-9-157.

The General Assembly finds that this ~~article~~ part is a matter of state-wide concern. This ~~article~~ part supersedes and preempts all rules, regulations, codes, ordinances, and other laws adopted by any county, municipality, consolidated government, or other local governmental agency regarding spyware and notices to consumers from computer software providers regarding information collection."

#### **SECTION 10.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

#### **SECTION 11.**

All laws and parts of laws in conflict with this Act are repealed.

Senator Goggans of the 7th offered the following amendment:

*Amend the Senate Science and Technology Committee substitute to SB 425 by striking the word "request" on line 8 of page 3 and inserting in lieu thereof "contact point checked per check".*

*By striking the word "division" on line 10 of page 3 and inserting in lieu thereof the following:*

department. The department shall promulgate rules and regulations governing the implementation of this part.

*By striking line 26 of page 3 and inserting in lieu thereof the following:*

(d) Except as otherwise provided in subsection (h) of this Code section and in subsection (d) of Code Section 16-9-176, the consent to

On the adoption of the amendment, the yeas were 35, nays 0, and the Goggans amendment was adopted.

On the adoption of the substitute, the yeas were 42, nays 0, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
E Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	E Johnson	Y Stoner
Y Cagle	Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
E Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	E Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 49, nays 0.

SB 425, having received the requisite constitutional majority, was passed by substitute.

The following communication was received by the Secretary:



Senator Mitch Seabaugh  
District 28  
421-D State Capitol  
Atlanta, GA 30334

**Committees:**

Regulated Industries and Utilities  
Reapportionment and Redistricting  
Rules  
Appropriations  
Transportation

The State Senate  
Atlanta, Georgia 30334

TO: Honorable Bob Ewing, Secretary of the Senate

FROM: Senator Mitch Seabaugh

RE: SENATE JOURNAL

On Wednesday, February 8, 2006, I was excused from the Senate at the time of the Roll Call vote on SB 425 for the purpose of standing with the Governor, at his request, at his press conference regarding Eminent Domain.

Please let the Senate Journal record reflect that if I had been present, I would have voted yes on SB 425.

Thank you,

/s/ Mitch Seabaugh

Senator Hill of the 32nd introduced Tom Glavine and representatives of the Rally Foundation, commended by SR 803, adopted previously.

Senator Williams of the 19th moved that the Senate stand in recess until the Joint Session and then upon the dissolution of the Joint Session stand adjourned until 9:00 a.m. Thursday, February 9, 2006.

The President announced the motion prevailed at 11:21 a.m.

The hour for convening the Joint Session of the Senate and House having arrived, the President, accompanied by the Secretary and Senators, proceeded to the Hall of the House of Representatives, and the Joint Session, called for the purpose of hearing a message by Major General William G. Webster, Jr., was called to order by the Speaker of the House. SR 782 authorizing the Joint Session of the Senate and House was read by the Clerk of the House.

Major General William G. Webster, Jr., addressed the Joint Session of the Senate and the House of Representatives as follows:

It is a true honor and privilege to be able to address the Georgia General Assembly. Together we represent two of the oldest institutions in our nation. The United States Army formed in 1775, just two years prior to the formation of this distinguished body in 1777.

Our philosophy of command is represented by 3 words: Mission, Soldiers, and Teamwork. I believe we can accomplish virtually anything if we focus on the tasks at hand; on people and preparing them for what they have to do; and on building and sustaining a good team.

I often remind myself and our Soldiers that you can accomplish any task if you build a solid well synchronized team of good people.

I am proud to report to you today that the 3rd Infantry Division Team has completed all of its planned redeployment flights home. The division utilized 113 aircraft to return 24,000 soldiers to their families, friends and communities. Task Force Baghdad, centered on 3rd Infantry Division, was comprised of units from 29 States, 3 territories, and 3 foreign nations.

At one point in time we had three types of Georgian Soldiers serving with us. The Soldiers of the Marne Division home stationed in Georgia, The citizen Soldiers of Georgia's 48th Brigade Combat Team, and a battalion of Soldiers from the Nation of Georgia. Regardless of where these Soldiers came from they were terrific and their performance in a difficult combat environment has honored their respective nations and states during our 13 month mission in Iraq.

When I first met the Commander of the 113th BN from the European nation of Georgia, I knew he had been studying our Division and our American culture, so I decided to break the ice by asking, "How 'bout them dawgs?" He tilted his head and gave me a quizzical look, so I explained the Georgia Bulldogs zealous fan base. He only gave me another quizzical look. I then decided we had more important things to do than to get them to wear the red and black. So we moved on.

On behalf of these Soldiers we would like to share with you a short video from our mission in Iraq to give you a flavor for all we accomplished.

This video presentation ended with the picture of SFC Paul R. Smith our tremendous leader who was killed in action and recently awarded the Congressional Medal of Honor Posthumously for his actions in combat in Iraq.

We hope you enjoyed the video and seeing our terrific Soldiers in action. Special thanks to Mr. Toby Keith for allowing us to use his song for internal non-profit purposes.

Our mission was to conduct operations in and around Baghdad. Task Force Baghdad was responsible for fighting the counter-insurgency by killing and capturing terrorists; training the Iraqi Security Forces; and supporting Iraqi government and economic development.

During our tour of combat in Iraq the 3rd Infantry Division led Task Force Baghdad, consisting of around 30,000 soldiers from all over the United States and the three European nations of Georgia, Macedonia and Estonia. All together, we commanded about 55,000 coalition soldiers and 17,000 Iraqi soldiers over the year.

The Iraqi security forces in Baghdad during our period of control increased tenfold. They are now in charge of 60 percent of the city, with support from us. When we arrived, there was one Iraqi army battalion, and now there are 22 in Baghdad, with 13 of them in charge of their own areas of operations. And now there's an Iraqi division, the 6th Division of the Iraqi army, with 6 Brigades.

Three Elections were held during our tour -- two of them were conducted in near-complete security in Baghdad, and people felt secure enough to vote in large numbers, with estimates of 60 percent or better going to the polls. The Iraqi security forces, supported by the coalition, provided that security. New polling stations were open in places never seen in previous elections. Nearly half a million more citizens voted in December than did last January.

From 27 FEB 05 to 07 JAN 06, in combined operations with the Iraqis, we conducted 8 different major combat operations, including over 8,000 combat missions, and more than 170,000 patrols resulting in over 5,000 insurgent detainees. The pace of our operations, while intense, disrupted the enemy and reduced car bombs by half. We found nearly half of the roadside bombs, the IEDs, that the enemy emplaced, and we had a 92 percent increase in weapons caches found. This put a big dent in the ability of the insurgents to conduct operations.

We supported the simultaneous development of political institutions and the Iraqi security forces with a goal of transitioning full responsibility for security to the Iraqis.

We also promoted the development of essential services and economic development. In a Baghdad survey and people believe that their lives will be significantly better in the next 12 months, and they also believe that their own Iraqi security forces, the police and the army, will be able to secure them in the next 12 months.

Iraqis are being hired in numbers that exceed prewar levels. Baghdad citizens think they are better off economically than they were before the war. The city of Baghdad is expanding, and large numbers of houses are being built on the edges of the city in nearly every direction and adding on to homes that already exist. That says that there is money available in Baghdad, and there is also hope for the future.

Essential services have been improved significantly. Fresh water, sewer services and electricity are now available to more homes than ever before, especially in the Shiite slums.

Your Soldiers conducted their operations in a very complex combat environment, and made great progress. Our greatest quality is our people and their ability to adapt to the situation so we can be successful. Conditions are being set to allow the Iraqis to run and secure their own country. The people of Georgia helped us greatly in this fight by supporting our greatest asset . . . . . our Soldiers.

The Soldiers who make up the units stationed at Fort Stewart and Hunter Army Airfield are always deployed on missions around the world as needed by our nation. It is a very rare period when no unit is deployed away from one of our installations.

Even today as the 3rd Infantry has returned home we have 350 Fort Stewart Soldiers still deployed in Iraq and Afghanistan, and the 48th Brigade remains in Iraq.

The Marine Division will soon be back in a training cycle. We will reset our equipment and integrate new personnel. Once we complete training we will be ready for world wide deployment if required. This is what your Soldiers do.

The soldiers with me here today are great representatives of the men and women who serve you every day. They contribute not only to our nation's defense, but to their local communities and many are proud to call Georgia's communities their home.

Command Sergeant Major William Grant is with me today. Born in South Carolina, CSM Grant's hometown is now Columbus Georgia, where his wife is from.

SGT Robert Lockett is from Tifton, Georgia. He was a gunner in an up-armored Hummve.

SGT Michael McIntosh was part of a security squad and trained Iraqi policemen. SGT McIntosh is from Warner-Robbins.

The 3rd Infantry Division has a great teammate in our installation's staffs at Fort Stewart and Hunter Army Airfield. The Georgia citizens who make up our staffs provide outstanding support to our Soldiers and families. Their exemplary support resulted in Fort

Stewart winning the President's Award as the best installation in all of the Department of Defense for both 2004 and 2005.

While we were gone Georgia gained more than 4,000 Army positions and several key bases had additional capacity added to them.

The 3rd Infantry Division and other Army units number over 27,000 Soldiers in the state of Georgia stationed at Fort Benning, Fort Stewart and Hunter Army Airfield.

Over 38,000 family members live, work and go to schools in the communities near our installations.

In the South Eastern part of the state Fort Stewart and Hunter Army Airfield provide jobs to 3,600 civilian employees. Our two installations also support over 47,000 retirees and their family members.

The combined military and civilian payroll brought into the local areas near Fort Stewart and Hunter Army Airfield is over \$985 million.

We have contracts with 1,165 contractors with a contract value worth over \$176 million.

Our Army is the largest industry in the Savannah Region with an economic impact of over \$3.9 billion other than the Georgia Ports Authority.

Our families bring talented professional and volunteers. We like to put down roots when we can and enjoy the opportunity to make a great place home. Georgia is one of those Great places where Soldiers can contribute to our local communities and be at home.

The facilities at Fort Stewart, Hunter Army Airfield, make our installations unique assets in support of the nation's goals and requirements.

Fort Stewart is the most effective training base east of the Mississippi. We have over 284,000 acres of training area. We work very hard to protect our environment and have won recent Army & DOD awards for this program. Fort Stewart is recognized for protection of endangered species and for restoration of our wetlands.

Hunter Army Airfield has the longest runway east of the Mississippi. It has more ramp space to park aircraft than any other military airfield in the East.

If we have to move somewhere quickly with all of our equipment the Port of Savannah can load seven military fast sealift ships simultaneously.

Recent funding for construction projects in at Fort Stewart and Hunter Army Airfield brought over \$332 million in projects to our installations in the last five years. This amount increases over the next five years to over \$381 million. Our Georgia delegation in Congress has been instrumental in modernizing our strategic bases.

We have also started work on a Joint-Use project to share our smaller Airfield with Liberty County and the City of Hinesville for the improvement of commerce in the area. Our community team in Hinesville and Liberty County is strong.

The People of Georgia, the Governor and The Georgia General Assembly have always been strong supporters of our Army and our Armed Forces.

I would like to thank all of the General Assembly members from the many districts that we interface with over the course of a year, but today I would like to especially thank Senator Eric Johnson and Representative Al Williams for coordinating today's opportunity for me to report to you on the 3rd Infantry Division and our mission.

We know that Georgia and the local communities in which we live are behind us -- that support is never doubted. Our soldiers will continue to accomplish amazing things when they feel like they are part of a good team, when they trust their leaders, and when they feel like they are doing something noble and appreciated.

Your acts, from Christmas Greetings to Georgia Service members on official websites, to Governor Perdue's call at Christmas, to farewells & welcome home ceremonies for deploying troops, all contribute to the service members awareness that you care and support them.

Our Members of the General Assembly have also taken measures to show your support by way of legislative acts that clearly say Georgia supports us.

Your work here continues to benefit our service members and their families. Enactment of anti-encroachment restrictions near military bases, the elimination of predatory lenders in base communities, road and highway improvements, in-state tuition for military dependants, unemployment insurance benefits for military spouses who must leave their jobs due to a deployment, and automatic extensions of licenses to actively deployed military personnel all have help support our Soldiers.

These are only some of the many measures you have passed to help our troops and families.

Other recent legislative acts including:

The Military Spouses Benefits Bill (HB 404); The Georgia Military Support Act of 2005 (SB 258); And the Life Insurance Tax Credits Bill (HB 538) are sincerely appreciated.

We thank you.

3rd Infantry Division is fortunate to have as our Community Team mates the citizens and leaders of the City of Hinesville and Savannah and our surrounding area.

I would like to take a moment and recognize the Mayor of Hinesville Tom Ratcliff. Mayor Ratcliff represents not only a great Georgia city, but is a great team leader in our greater regional community team. Tom is a true supporter of our Soldiers, their families and our mission. He and other leaders like him and Savannah mayor Otis Johnson, in our surrounding communities, make Georgia a great place to live for our Soldiers.

Georgia's founding fathers clearly understood the significance of what has today become some of the undisputed critical military and economic resources of our nation and Georgia. We are proud to serve you and live here in Georgia.

In closing, your Soldiers from Fort Stewart, Hunter Army Airfield and Fort Benning are back after successful accomplishment of our mission. Our brothers and sisters in Georgia's 48th Brigade will return later this year.

The Soldiers from the Georgia National Guard, those stationed in Georgia, or others who were task organized to the division for combat will always be regarded and honored as Marne Soldiers, a part of the 3rd Infantry Division.

We accomplished the mission. With your help and support, we took care of our soldiers and families. Together with you and the people of Georgia, we have built and sustained a great team. We can achieve anything.

It is comforting to know that when called on to serve our nation that our same sense of unit cohesion and camaraderie is extended from the people of the state in which we make our homes.

You in the Georgia General Assembly have shown that it doesn't matter if we are native Georgians or from other parts of the country. You understand that we are here with you. It is good to know that we are considered your own!

Thank you again for the honor of speaking to you today.

May Georgia have a prosperous and successful 2006.

**ROCK OF THE MARNE!**

Senator Williams of the 19th moved that the Joint Session be hereby dissolved.

The motion prevailed, and the Speaker of the House announced the Joint Session dissolved.

Pursuant to the provisions of a previously adopted motion, the Senate stood adjourned until 9:00 a.m. Thursday, February 9, 2006.